

REMARKS

Applicants wish to thank the Examiner for considering the present application. In the Office Action dated September 16, 2008, Claims 1 and 3-22 are pending in the application. Applicants respectfully request the Examiner for reconsideration of the rejection of Claims 1 and 3-22. Claim 7 has been amended to include a period at the end of the sentence.

Rejection Under 35 U.S.C. § 103

Claims 1, 3-12, 14 and 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gross (U.S. Pat. No. 6,556,809) in view of Murray (U.S. Patent No. 5,666,128). This rejection is respectfully traversed.

Claim 1 recites a base station having an adaptive antenna with a plurality of panels. Claim 1 has been amended to recite that the plurality of panels are arranged to have different fields of view. On page 6 of the Office Action, the Examiner states that the term “field of view” can be interpreted in several ways such as pointing field of view or coverage [area] field of view. The Examiner refers to Fig. 1 and item 140 of the Gross reference. Applicants believe that the terminology field of view is evident from the specification. In particular, Fig. 40 and Fig. 2A both refer to the field of view. Paragraph 71 also mentions the field of view in that the elements share the same field of view as every other element on the panel. Also, the claim states, “each of the plurality of panels arranged to have a different field of view.” Thus it is clear that the panels each have different fields of view over the array of elements. When taken in context, the plurality of dynamic beams moves with the mobile terminals. The field of view is the extent that a particular panel can track a user. Beyond the field of view, the next panel must be used. Thus, applicants believe that the field of view is narrower than the definition suggested by the

Examiner. The Examiner suggests that the field of view can be interpreted in several ways such as including the pointing field of view or the coverage field of view. The Gross reference includes panels that are pointed in the same direction. Applicants believe that the panels have the entire field of view. Likewise, the Murray reference also has an antenna with a number of smaller panels as described in column 4, lines 34-55. A number of radiating tiles each may include an antenna. It appears that each of the tiles is facing in the same direction from each of the sections 18. Therefore, each of these tiles has the same field of view as well. This is different than the present application which has a plurality of panels each of the panels has a different field of view so that when a user moves beyond the field of view of one panel, another panel is used for communicating with the user.

The Examiner points to the Murray reference (column 4, lines 39-40) for a plurality of panels of an adaptive antenna. While more than one panel is illustrated, it appears that the fields of view of the panels are the same. Claim 1 and the other independent claims were also amended to clarify that the adaptive antenna has a plurality of panels that are arranged to have different fields of view. Claims 3-12, 14 and 20-22 are also believed to be allowable for at least the same reasons set forth above.

Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gross in view of Murray as applied to claim 1 above, and further in view of Kasperkovitz (U.S. Patent No. 4,631,499). This rejection is respectfully traversed.

Claim 13 depends from claim 1 and is believed to be allowable for at least the same reasons set forth above with respect to claim 1.

Claims 15-17 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gross in view of Murray as applied to claim 1 above, and further in view of Agee (U.S. Pub. 20060128276A). This rejection is respectfully traversed.

Claims 15-17 and 19 each depend from claim 1. The Agee reference also does not teach or suggest the elements missing from claim 1 described above. Therefore, applicants believe that these claims are believed to be allowable for the same reasons.

Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gross in view of Murray as applied to claim 1 above, and further in view of Janc (U.S. Patent No. 4,893,316) and further in view of Sayegh (U.S. Pub. 20060084541A). This rejection is respectfully traversed.

Claim 18 depends from claim 1. The Sayegh reference also does not teach or suggest the elements missing in the Gross and Murray references described above. Therefore, claim 18 is believed to be allowable for at least the same reasons set forth above.

CONCLUSION

In light of the amendments and remarks above, Applicants submit that all rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, the Examiner is respectfully requested to call the undersigned attorney.

Should any fees be associated with this submission, please charge Deposit Account 50-0383.

Respectfully submitted,

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